



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

KEVIN J. THIBAUT, P.E.
SECRETARY

Office of General Counsel
Mail Station 58
850/414-5265
March 26, 2020

Hon. Linzie F. Bogan
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

**RE: J. GLENN WRIGHT TRUST v. DEPARTMENT OF TRANSPORTATION
DOT CASE NO. 19-034**

Dear Ms. Bogan:

Enclosed is a copy of the Final Order filed March 26, 2020, in the above-styled case.

Sincerely,

Amber K. Greene
Clerk of Agency Proceedings

Enclosure

2020 MAR 27 PM 12:10
DIVISION OF
ADMINISTRATIVE HEARINGS

FILED

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida

2020 MAR 27 PM 12:11
DIVISION OF
ADMINISTRATIVE HEARINGS

FILED

J. GLENN WRIGHT TRUST,

Petitioner,

v.

DOT CASE NO.: 19-034

DEPARTMENT OF TRANSPORTATION,

Respondent.

FINAL ORDER

The Department issued a Notice of Intent to Modify Driveway Connection (Notice) to J. Glenn Wright Trust (Wright) on May 7, 2019. The Notice proposed to remove an existing divided driveway connection between the S.R. 60 exit ramp and Wright's property, and to modify Wright's existing driveway access connection to U. S. 27 South, as part of the redesign and reconstruction of the interchange at S.R. 60 (S.R. 60/U.S. Highway 27) (U.S. 27). Subsequently, the Department issued an Amended Notice on September 23, 2019, which advised of a planned connection to Wright's property from the newly proposed S.R. 60 frontage road, a right-turn-in-only driveway connection to Wright's property from U. S. 27 South, and minor improvements to the U. S. 27/Oak Avenue intersection. Wright objected to the proposals and timely requested a hearing. This case was referred to the Division of Administrative Hearings, and a hearing was conducted before the assigned Administrative Law Judge, Linzie F. Bogan, on December 4, 2019. The ALJ entered a Recommended Order on February 13, 2020, which recommended that the Department enter a final order finding that the proposed modifications to

the driveway connections of the Wright property provide the public with reasonable access to or from the State Highway System, and denying the challenge of Wright to the Amended Notice issued on September 23, 2019. A copy of the Recommended Order is attached.

Findings of Fact

The Findings of Fact set forth in paragraphs 1-14 of the Recommended Order are supported by competent, substantial evidence and the Department adopts the Findings of Fact set forth in paragraphs 1-14 of the Recommended Order and incorporates them by reference. Where paragraphs 1-14 contain findings of ultimate fact that are matters of opinion infused by policy considerations for which the Department has special responsibility, the Department declines to reverse or modify paragraphs 1-14.

Conclusions of Law

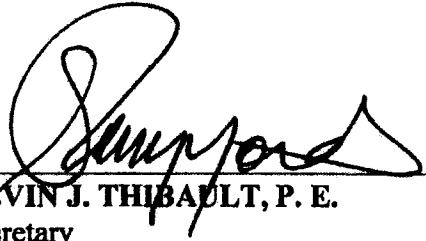
The Conclusions of Law set forth in paragraphs 15-28 of the Recommended Order are supported by law and the Department adopts the Conclusions of Law set forth in paragraphs 15-28 of the Recommended Order and incorporates them by reference. Where paragraphs 15-28 contain findings of ultimate fact that are matters of opinion infused by policy considerations for which the Department has special responsibility, the Department declines to reverse or modify paragraphs 15-28.

Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Department approves the proposed modifications to the driveway connections of the Wright property, and finds the modifications will provide the public with reasonable access to or from the State

Highway System, as part of the Department's redesign and reconstruction of the interchange at
S.R. 60 and U.S. Highway 27.

DONE and ORDERED this 26th day of March, 2020.

for 

KEVIN J. THIBAUT, P. E.
Secretary
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida 32399

REC'D D.O.T. CLERK
2020 MAR 26 AM 9:49

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, MS 58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN 30 DAYS OF RENDITION OF THIS ORDER.

Copies furnished to:

Hon. Linzie F. Bogan
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
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Tallahassee, Florida 32399-3060

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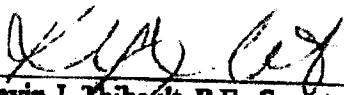
Florida Department of Transportation

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KEVIN J. THIBAUT, P.E.
SECRETARY

DELEGATION OF AUTHORITY

I, Kevin J. Thibault, P.E., Secretary of the Florida Department of Transportation, delegate to Tom Byron, P.E. as the Assistant Secretary for Strategic Development and Courtney Drummond, P.E. as the Assistant Secretary for Engineering and Operations, and Stacy Miller, P.E., as the Assistant Secretary for Finance and Administration, the authority and responsibility to take action on my behalf at anytime during my absence from the Department headquarters in Tallahassee. I also rescind any prior delegations to the contrary.



Kevin J. Thibault, P.E., Secretary
Florida Department of Transportation

4/24/2019

Date